HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.26267 of 1996

Date: 20.2.2006

Between:

Ramagundam Unemployees Association,
Nirudyog Bhavan, near Ashok Talkies (Old),
Godavarikhani, Karimnagar District,
represented by its Convener, A. Dayananda Gandhi
and another

.... Petitioners

And

The Chairman & Managing Director, National
Thermal Power Corporation, New Delhi and 3 others.

.... Respondents

ORDER:

This writ petition has been instituted by an Association of unemployed persons seeking directions in the nature of Mandamus to declare the action of the respondents in not filling up the reserved backlog vacancies meant for Scheduled Caste and Scheduled Tribe candidates and they also solicited a consequential direction to the respondent-National Thermal Power Corporation to fill up such backlog/unfilled vacancies meant for Scheduled Caste and Scheduled Tribe candidates.

National Thermal Power Corporation (NTPC) is a Government of India undertaking and consequently, it is bound by

the policy decisions taken by the Government of India in the matter of providing for and filling up the vacancies with the candidates belonging to the reserved categories such as Scheduled Caste, Scheduled Tribe, Other Backward classes and physically challenged persons.

In the counter affidavit filed in this case, the first respondent furnished a tabulated statement disclosing the data of total number of candidates, who have been recruited between 1989 and 1993 and their break up. On the basis of these statistics, it is contended by the learned counsel for the respondent-NTPC that there are no backlog vacancies available and that they have filled in the necessary percentage of vacancies with the Scheduled Caste and Schedule Tribe candidates. Amongst group-C and group-D category of posts at page 6 of the counter affidavit, the tabulated statement discloses that there were excess recruitment of 8 and 3 respectively insofar as Schedules Castes are concerned. There were shortage of 29 vacancies in group-C category and 9 vacancies in group-D category insofar as Scheduled Tribes are concerned.

It is thus clear that the respondent corporation has been following the directions issued by the Government of India from time to time in the matter of recruitment and providing for reservation in favour of Scheduled Caste and Scheduled Tribe candidates in particular. If there was any excess recruitment of Scheduled Caste candidates, it is always open to the respondents to adjust them against future vacancy, which would become

available for them. It is certainly not open to the respondents to discharge such candidates from service only on the ground that it has resulted in recruitment of excess number of candidates. However, in the counter affidavit, it has been specifically pointed out that there was shortage of recruitment in group-C and group-D categories and the same could not be filled in not for any other reason than non-availability of qualified candidates belonging to Scheduled Tribes. The counter affidavit has asserted that the shortfall will be filled in with any suitable Scheduled Tribe candidates as per rules as and when vacancies arise for recruitment.

In this view of the matter, while holding that the writ petition does not have any merit for issuing the writ in terms of its prayer, but nonetheless, in view of the fact that there was shortfall of recruitment of candidates belonging to Scheduled Tribe categories particularly in group-C and group-D categories of posts, I consider it appropriate to direct the respondents to take all such steps and measures which are required to be taken, which will result in making good the shortfall of vacancies meant for Scheduled Tribe candidates.

With this observation, the writ petition is disposed of without costs.

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NOOTY RAMAMOHANARAO, J

Date: 20th February 2006

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